



DOCKET NO. ORT-1462

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Loretta ITRI and Peter BOWERS

Serial No.: 09/921,516

Art Unit: Not Assigned

Filed: 1 August 2001

Examiner: Not Assigned

For: **IMPROVED ANTI-VIRAL AND ANTI-TUMOR CHEMOTHERAPY BY
ADMINISTRATION OF ERYTHROPOIETIN**

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed to:
Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on

10 October 2001

(Date of Deposit)

John W. Wallen, III

(Name of applicant, assignee, or Registered Representative)

(Signature)

10 October 2001

(Date of Signature)

Assistant Commissioner for Patents
BOX: MISSING PARTS
Washington, D.C. 20231

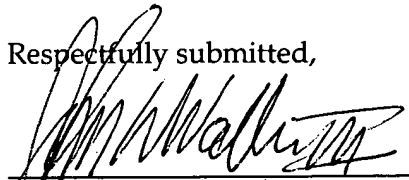
**SUBMISSION OF COMBINED DECLARATION
AND POWER OF ATTORNEY**

Dear Sir:

Pursuant to Rule 53(f) and Rule 54, please find enclosed a Combined Declaration and Power of Attorney for the application of Loretta Itri and Peter Bowers, entitled "Improved Anti-Viral and Anti-Tumor Chemotherapy by Administration of Erythropoietin", Attorney Docket No. ORT-1462, to complete, pursuant to Rule 51, this application filed on 1 August 2001 by Express Mail pursuant to Rule 10. As required, a copy of the Notice to File Missing Parts of Application is also attached.

Please charge Johnson & Johnson Deposit Account No. 10-0750/ORT-1462/JWW in the amounts of \$130.00 for submission of the Declaration pursuant to Section 1.16(e). The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/ORT-1462/JWW. This sheet is submitted in triplicate.

Respectfully submitted,



John W. Wallen, III, Esq.

Reg. No. 35,403

Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(858) 784-3249
DATE: 10 October 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/921,516	08/01/2001	Loretta Itri	ORT-1462

CONFIRMATION NO. 6089

RECEIVED

SEP 14 2001

U & J PAT. DKT. SECTION

FORMALITIES LETTER



OC000000006534997

Philip S. Johnson, Esq.
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

Date Mailed: 09/10/2001



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

10/22/2001 SDIRETA1 00000021 100750 09921516

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130.00 CH

COPY FORWARDED TO ASSIGNEE

DATE: 9/19/01
SIGNED: CEIL SURMAN

SIGNED: CEIL SURMAN
DATE:

COPY FORWARDED TO ASSIGNEE



DOCKET NO. ORT-1462

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Loretta ITRI and Peter BOWERS

Serial No.: 09/921,516

Art Unit: Not Assigned

Filed : August 1, 2001

Examiner: Not Assigned

For : IMPROVED ANTI-VIRAL AND ANTI-TUMOR CHEMOTHERAPY BY
ADMINISTRATION OF ERYTHROPOIETIN

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on

October 17, 2001

(Date of Deposit)

John W. Harbour

(Name of applicant, assignee, or Registered Representative)

(Signature)

October 17, 2001

(Date of Signature)

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

LETTER

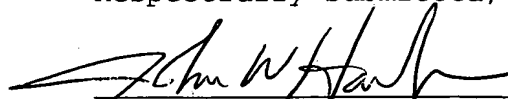
Dear Sir:

The attached Submission of Combined Declaration and Power of Attorney as well as the Declaration and Power of Attorney itself were originally mailed on the 10th of October 2001 by John W. Wallen III as indicated on the face of the attached documents. Also attached is a copy of the face of the envelope in which the attached documents were mailed. Mr. Wallen is a patent attorney who works at a Johnson & Johnson site located in San Diego. He used as a return address on the envelope a New Brunswick, N.J. address which is the address of the principle docketing personnel of his organization.

For reasons unknown, the U.S. Post Office delivered the envelope and the documents to the return address and not to the Asst. Commissioner of Patent and Trademarks as intended. Thus, although the envelope appears to be correctly addressed and to have the correct postage, it was delivered to Johnson & Johnson in New Brunswick, N.J. with no explanation for such delivery.

There does not appear to be any harm to applicants since the declaration and power of attorney is not due until November 10, 2001. This letter is intended to give notice to the PTO of the facts surrounding the submitted certification of deposit. Also, by this letter, applicants reserve the right to supply further documentation and proof as necessary to establish the October 10th mailing date if required

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John W. Harbour", written over a horizontal line.

John W. Harbour

Reg. No. 31,365

Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2169